

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-14049-CR-MARTINEZ/MAYNARD

UNITED STATES OF AMERICA,

v.

ERIC VON FERGUSON,

Defendant.

REPORT AND RECOMMENDATION ON CHANGE OF PLEA

THIS CAUSE comes before me upon an Order of Reference. Having conducted a Change of Plea Hearing, I recommend to the District Court as follows:

1. I convened a hearing to permit the Defendant to change his plea in this criminal case on May 9, 2025. I advised the Defendant of his right to have the District Judge assigned to this case conduct this proceeding. I advised that I was conducting the Change of Plea Hearing at the request of the Defendant, the Defendant's attorney, and the Assistant United States Attorney assigned to this case. I advised that the District Judge assigned to this case will be the sentencing judge, will make all findings and rulings concerning the Defendant's sentence, and will schedule and conduct the Sentencing Hearing. I advised the Defendant that he did not have to permit me to conduct this hearing but could request a United States District Judge to conduct the Change of Plea Hearing instead. The Defendant agreed on the record and consented to have a United States Magistrate Judge conduct the Change of Plea Hearing.

2. I conducted the plea colloquy in accordance with the outline set forth in the Bench Book for District Judges.

3. There is a written Plea Agreement which has been entered into by the parties in this case. DE 21. I reviewed that Plea Agreement on the record and had the Defendant acknowledge that he signed the Plea Agreement. The Defendant pleaded guilty to Count One of the Indictment, which charges the Defendant with possession of a firearm and ammunition by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). The Defendant also pleaded guilty to Count Two of the Indictment, which charges the Defendant with possession with intent to distribute five (5) grams or more of methamphetamine (actual), in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii).

4. I reviewed with the Defendant the statutory maximum penalties applicable to Count One, and the mandatory minimum and maximum penalties applicable to Count Two. The Defendant acknowledged that he understood the statutory penalties that apply in his case.

5. The parties submitted a written Stipulation of Facts and Acknowledgment of Offense Elements in Support of Guilty Plea (“Stipulation”), which was signed by counsel for the Government, counsel for the Defendant, and the Defendant. DE 22. The Stipulation was read into the record. The Defendant acknowledged that he signed the Stipulation, understands it, and has had the opportunity to fully discuss it with his attorney. The Defendant agreed that the Stipulation is true and correct, and accurately sets forth the facts in his case as he understands them to be. Having reviewed the Stipulation, I find that it sets forth each of the essential elements of the crimes to which the Defendant is pleading guilty.

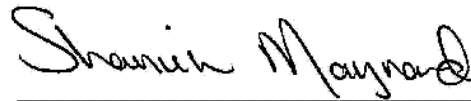
6. Based on the foregoing and the plea colloquy that I conducted, I find that the Defendant enters his plea of guilty to Counts One and Two of the Indictment freely and voluntarily. I accept his guilty plea and recommend to the District Court that it adjudicate him guilty of Counts One and Two of the Indictment as charged.

7. The United States Probation Office will conduct a pre-sentence investigation and will issue a report for sentencing purposes.

ACCORDINGLY, this Court recommends to the District Court that the Defendant's plea of guilty to Counts One and Two of the Indictment be accepted; that the Defendant be adjudicated guilty of the offenses to which he pleads guilty; and that a sentencing hearing be conducted for final disposition of this case.

The parties shall have fourteen (14) days from the date of this Report and Recommendation within which to file objections, if any, with the Honorable Jose E. Middlebrooks, United States District Judge for the Southern District of Florida. Pursuant to Federal Rule of Criminal Procedure 59(b)(2), failure to file a timely objection to this Report and Recommendation waives the party's right to review, and it bars the party from attacking on appeal any legal rulings or fact findings contained herein.

DONE AND RECOMMENDED in Chambers at Fort Pierce, Florida, this 13th day of May, 2025.

A handwritten signature in black ink, reading "Shaniek Mills Maynard". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

SHANIEK MILLS MAYNARD
U.S. MAGISTRATE JUDGE